

S.N. 10/035,785
Norman C. Pyle
Atty Dkt 10011327-1

REMARKS

Claims 1-20 were pending in the application prior to this response. Claims 5, 7, 12 and 18-20 have been amended herein. Claims 1-4, 6, 8-11 and 13-17 remain in the application unchanged. Accordingly, claims 1-20 will be pending after entry of the amendment presented herein. Reexamination and reconsideration are requested.

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I. Objection to the Specification

In paragraph 1 of the Office action, the Examiner points out various typographical errors in the specification. Applicant has amended the specification herein in accordance with the Examiner's suggestions. Accordingly, the objection is believed to be addressed.

II. Claim Objections

In paragraph 2 of the Office action, the Examiner objects to claims 5, 7 and 18-20. In response, Applicant has amended these claims in accordance with the Examiner's suggestions. Accordingly, the claim objections are believed to be overcome.

III. Rejection of Claim 12 Under 35 U.S.C. §112, Second Paragraph

Claim 12 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration is requested.

The Examiner points out that the term "the enable signal" lacks sufficient antecedent basis. In response, applicant has amended claim 12 to depend from claim 11, rather than from claim 10, thus providing proper antecedent basis for the term.

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IV. Rejection of Claims 1-20 under 35 U.S.C. §103(a)

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chiang (U.S. 6,809,759) in view of Holmes et al. (U.S. 5,365,269). Reconsideration of the Examiner's rejection is requested.

Claims 1-9

On pages 1-2 of the Office action, the Examiner states the following regarding the rejection of claim 1:

Holmes et al. teaches a method wherein when a start exposure signal is asserted,

...

b) displaying the running total image (Column 5 lines 22-23, note that the image is read out of RAM 78 which has an accumulated image area 78b which stores a running total image; it is this image which is read out of RAM 78 as this is the image which the user would be interested in seeing);

The Examiner points to column 5, lines 22-23 of Holmes et al. This portion of the reference reads as follows:

The pixel image can be read out of the RAM 78 and displayed on the screen of the monitor 38, optimized

Applicant respectfully asserts that this portion of Holmes et al. is referring to a condition in which only one image is acquired and displayed. In other words, Holmes et al. does not disclose that a running total image, comprising a plurality of individual images, is displayed. It is noted that Holmes et al. states the following in the next paragraph:

If the required exposure time is relatively short and/or the clock

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drive 24 is extremely accurate, a photograph can be taken using the clock drive alone as **described above**. However, the present invention enables unstreaked photographs of several minutes or more to be taken with an inaccurate clock drive, and if the field of view is sufficiently wide, even without a clock drive. The invention further enables photographs of up to several hours to be taken using an accurate clock drive 24 with a tracking accuracy which greatly exceeds that of the clock drive 24 alone. In addition, these long exposures can be taken without the astronomer being present to provide the desired "point and shoot" capability.

(Holmes et al., col. 5, lines 27-39, emphasis added)

Clearly, thus, when Holmes discusses displaying an image in Col. 5, lines 22-23, this is referring to a situation in which only a single image is acquired and not a situation where a plurality of images are being acquired and combined into a running total image. Although Holmes does disclose forming a running total image, there is no disclosure or suggestion, whatsoever, that this running total image is displayed while it is being built, i.e., after each new individual image is added to the running total. There is no need in Holmes et al. to display the image as it is being built because Holmes et al. discloses the use of *time* to control exposure. In fact, Holmes et al. intends that the user does not even need to be present for the lengthy exposure times:

This can become quite tedious for exposure times of an hour or more, and detract from the pleasure of astrophotography. It is clearly desirable to provide a feedback mechanism to automatically sense and correct tracking errors in the clock drive and **enable unattended or "point and shoot" operation**.

(Holmes et al., col. 1, line 65 - col. 2, line 2, emphasis added)

To produce a single electronic image or frame of the scene, the astronomer **inputs the desired exposure time** and other variables using the keyboard 42 of the host computer 32 and a command to take an exposure.

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(Holmes et al., col. 4, lines 60-64, emphasis added)

... the present invention enables unstreaked photographs of **several minutes or more** to be taken with an inaccurate clock drive, and if the field of view is sufficiently wide, even without a clock drive. The invention further enables photographs of up to several hours to be taken using an accurate clock drive 24 with a tracking accuracy which greatly exceeds that of the clock drive 24 alone. In addition, these **long exposures can be taken without the astronomer being present to provide the desired "point and shoot" capability.**

(Holmes et al., col. 5, lines 30-39, emphasis added)

In summary, Holmes et al. does not disclose or suggest displaying a running total image while it is being built, i.e., after each new individual image is added to the running total. Further, there would be no even arguable reason for Holmes et al. to do so since, as noted above, Holmes et al. intends that the user need not even be present during the exposure process. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1.

Claims 2-9 are allowable at least as ultimately depending from allowable claim 1.

Claims 10-15

Independent claim 10 is allowable for at least the reasons advanced above with respect to claim 1.

Claims 11-15 are allowable at least as ultimately depending from allowable claim 10.

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Claims 16-20

Independent claim 16 is allowable for at least the reasons advanced above with respect to claim 1.

Claims 17-20 are allowable at least as ultimately depending from allowable claim 16.

In view of the above, all of the claims are believed to be in condition for allowance. Re-examination and reconsideration are requested.

Respectfully submitted,
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